IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4164 of 2007()

CRIME NO. 99/07 OF PERUVANNAMUZHI POLICE STATION

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PETITIONER/ACCUSED

MUTHU @ BIJU V.P., S/O.VIJAYAN,
AGED 30 YEARS, VALIPARAMBIL, CHANGAROTH
AMSOM, PALERI DESOM, PALERI P.O., KOZHIKODE.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SMT.P.RANI DIOTHIMA

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4164 of 2007

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Dated this the 13th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered, inter alia, under Sections 354 and 376 r/w. 511 I.P.C. The alleged incident occurred on 2.6.2007. The petitioner is an autorikshaw driver. The defacto complainant, a lady, along with her child had engaged him to take her to her mother's house. After reaching there, the petitioner was asked to come in the evening. He went there in the evening and took her in the autorikshaw. Instead of following the course back to her house, the autorikshaw was taken in a different direction. The defacto complainant was allegedly threatened by the petitioner. According to the defacto complainant, she then lost her consciousness. When she woke up, she found that she was in a room. She allegedly jumped out of the room and telephoned her uncle. Her uncle reached the scene and took her. 14 days later a complaint was registered before the Magistrate, which was referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied in the totality of facts and circumstances of this case, to which I have briefly referred to earlier, that appropriate direction under Section 438 Cr.P.C. can be issued subject, of course, to conditions. A more detailed discussion of the facts does not appear to me to be necessary.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 20.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 21.76.07 and 23.7.2007. During this period the Investigating Officer shall be entitled to question the petitioner in custody and also to get the potency test conducted. Thereafter he shall appear before the Investigating Officer on

all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 20.7.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(b) If the petitioner were arrested prior to his surrender on 20.7.2006 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 20.7.2007.

(R. BASANT)
Judge

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